

AMENDED IN SENATE MARCH 10, 2014

AMENDED IN SENATE JANUARY 28, 2014

AMENDED IN SENATE JANUARY 13, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1414

**Introduced by Committee on Agriculture (Eggman (Chair), Olsen
(Vice Chair), Dahle, Pan, Quirk, and Yamada)**

March 20, 2013

An act to amend Sections 27510, 27519, and 27644 of, and to add Sections 27519.6 and 27644.5 to, the Food and Agricultural Code, and to add Sections 109992 and 110674 to the Health and Safety Code, relating to eggs, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1414, as amended, Committee on Agriculture. Pasteurized in-shell eggs: labeling.

(1) Existing law requires egg handlers to register with the Secretary of Food and Agriculture and generally sets forth standards for shell eggs. Existing law imposes specified requirements relating to packing and labeling shell eggs and makes a violation of those provisions a crime.

This bill would exclude pasteurized in-shell eggs, as defined, from the labeling provisions that are generally applicable to shell eggs, and would instead impose other labeling requirements on egg handlers of pasteurized in-shell eggs, as specified. By creating new crimes, the bill would impose a state-mandated local program.

(2) Existing law, the Sherman Food, Drug, and Cosmetic Law (the Sherman Act), requires the State Department of Health Care Services to regulate the manufacture, sale, labeling, and advertising activities related to food, drugs, devices, and cosmetics in conformity with the federal Food, Drug, and Cosmetic Act. The Sherman Act also imposes various labeling requirements for food and other products, and specifies that any food is misbranded if its labeling is false or misleading in any particular. A violation of these provisions is a crime.

This bill would define the term “pasturized in-shell eggs” for purposes of the Sherman Act, and would specify that any food is misbranded if its labeling does not conform with specified requirements for pasteurized in-shell eggs egg labeling, as prescribed. By creating a new crime, the bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 27510 of the Food and Agricultural Code
2 is amended to read:

3 27510. “Egg handler” means a person engaged in the business
4 of producing, candling, grading, packing, or otherwise preparing
5 shell eggs or pasteurized in-shell eggs for market or who engages
6 in the operation of selling or marketing eggs that he or she has
7 produced, purchased, or acquired from a producer, or which he or
8 she is marketing on behalf of a producer, whether as owner, agent,
9 employee, or otherwise. This section shall not apply to any
10 purchaser who is a retailer and who does not handle eggs in any
11 other capacity, except as a retailer.

12 SEC. 2. Section 27519 of the Food and Agricultural Code is
13 amended to read:

14 27519. “Shell eggs” means any in-shell eggs other than
15 pasteurized in-shell eggs, as defined in Section 27519.6.

1 SEC. 3. Section 27519.6 is added to the Food and Agricultural
2 Code, to read:

3 27519.6. "Pasteurized in-shell eggs" means in-shell eggs that
4 have been pasteurized by any method approved by the federal
5 Food and Drug Administration or the department.

6 SEC. 4. Section 27644 of the Food and Agricultural Code is
7 amended to read:

8 27644. (a) Except as provided in subdivision (c), it is unlawful
9 for an egg handler, as defined in Section 27510, to sell, offer for
10 sale, or expose for sale eggs that are packed or graded for human
11 consumption unless at least one of the following conditions is met:

12 (1) The consumer container is plainly, legibly, and
13 conspicuously labeled "KEEP REFRIGERATED" or with words
14 of similar meaning. Consumer container labeling that complies
15 with the safe-handling instructions required by Section 101.17 of
16 Title 21 of the Code of Federal Regulations shall be deemed to
17 comply with this paragraph.

18 (2) A conspicuous sign is posted at the point of sale for eggs on
19 bulk display advising consumers that the eggs are to be refrigerated
20 as soon as practical after purchase.

21 (b) Except as provided in subdivision (c), it is unlawful for an
22 egg handler to sell, offer for sale, or expose for sale eggs that are
23 packed for human consumption unless each container intended for
24 sale to the ultimate consumer is labeled on one outside top, side,
25 or end with all of the following:

26 (1) (A) The words "Sell-by" immediately followed by the month
27 and day in bold type, for example "June 30" or "6-30." Common
28 abbreviations of months shall be permitted.

29 (B) The sell-by date shall not exceed 30 days from the date on
30 which the eggs were packed, excluding the date of packing.

31 (C) If the eggs are repacked but not regraded, the original sell-by
32 date shall apply.

33 (2) A Julian pack date. As used in this paragraph, the Julian
34 pack date is the consecutive day of the year on which the eggs
35 were packed.

36 (3) The identification number of the plant of origin.

37 (c) This section does not apply to eggs that are packaged for
38 export. Paragraph (1) of subdivision (b) does not apply to eggs
39 that are packaged for interstate commerce or eggs that are packaged

1 for military sales. This section does not apply to pasteurized
2 in-shell eggs.

3 (d) All eggs returned from grocery stores, store warehouses,
4 and institutions shall not be reprocessed for retail shell egg sales.

5 (e) (1) For the purposes of paragraph (3) of subdivision (b), the
6 department, in consultation with the Shell Egg Advisory
7 Committee, shall establish a plant identification numbering system
8 and assign identification numbers to all egg handling facilities.

9 (2) For the purposes of complying with paragraph (3) of
10 subdivision (b), an egg handling facility that is inspected by the
11 United States Department of Agriculture, and to which a federal
12 plant identification number has been assigned, may use the federal
13 identification number, the identification number assigned by the
14 department, or both.

15 SEC. 5. Section 27644.5 is added to the Food and Agricultural
16 Code, to read:

17 27644.5. (a) It is unlawful for an egg handler, as defined in
18 Section 27510, to sell, offer for sale, or expose for sale pasteurized
19 in-shell eggs that are packed for human consumption unless both
20 of the following conditions are met:

21 (1) The consumer container is conspicuously labeled “KEEP
22 REFRIGERATED” or with words of similar meaning. Consumer
23 container labeling that complies with the safe handling instructions
24 required by Section 101.17 of Title 21 of the Code of Federal
25 Regulations shall be deemed to comply with this paragraph.

26 (2) A conspicuous sign is posted at the point of sale for
27 pasteurized in-shell eggs on bulk display advising consumers that
28 the pasteurized in-shell eggs are to be refrigerated as soon as
29 practical after purchase.

30 (b) Except as provided in subdivision (c), it is unlawful for an
31 egg handler to sell, offer for sale, or expose for sale pasteurized
32 in-shell eggs that are packed for human consumption unless each
33 container intended for sale to the ultimate consumer is labeled on
34 one outside top, side, or end with all of the following:

35 (1) The words “Sell by” immediately followed by the month
36 and day in bold type. Common abbreviations for months may be
37 used.

38 (A) The sell-by date shall not exceed 75 days from the date on
39 which the pasteurized in-shell eggs were pasteurized, excluding
40 the date of pasteurization. Processors of in-shell eggs that subject

1 the eggs to the pasteurization process shall establish a sell-by date
2 by completion of an appropriate shelf stability study that includes
3 public health and safety criteria. The processor shall retain the
4 study on file at the processing plant and make it available to the
5 department or the State Department of Public Health upon request.

6 (B) If the pasteurized in-shell eggs are repacked, the original
7 sell-by date shall apply.

8 (2) A Julian pack date. As used in this paragraph, the Julian
9 pack date is the consecutive day of the year on which the
10 pasteurized in-shell eggs were pasteurized.

11 (3) The identification number of the plant of origin.

12 (4) A conspicuous identification of the eggs as “pasteurized.”

13 (5) All state and federal labeling requirements.

14 (c) This section does not apply to pasteurized in-shell eggs that
15 are packaged for export.

16 (d) Paragraph (1) of subdivision (b) does not apply to pasteurized
17 in-shell eggs that are packaged for interstate commerce or
18 pasteurized in-shell eggs that are packaged for military sales if
19 exported to a state or federal agency that requires a different format
20 for the sell-by or best-if-used-by date on pasteurized in-shell eggs,
21 and the processor is utilizing that format.

22 (e) All pasteurized in-shell eggs returned from grocery stores,
23 store warehouses, and institutions shall not be reprocessed for any
24 retail in-shell egg sales.

25 (f) (1) The department, in consultation with the Shell Egg
26 Advisory Committee, established pursuant Section 27571, shall
27 establish a plant identification numbering system and assign
28 identification numbers to all pasteurized in-shell egg handling
29 facilities.

30 (2) For purposes of complying with paragraph (3) of subdivision
31 (b), a pasteurized in-shell egg handling facility that is inspected
32 by the United States Department of Agriculture or the federal Food
33 and Drug Administration, and to which a federal plant identification
34 number has been assigned, may use the federal identification
35 number, the identification number assigned by the department, or
36 both.

37 SEC. 6. Section 109992 is added to the Health and Safety Code,
38 to read:

39 109992. “Pasteurized in-shell eggs” means shell eggs that have
40 been pasteurized by any method approved by the federal Food and

1 Drug Administration~~or~~, the Department of Food and Agriculture,
2 *or the department*.

3 SEC. 7. Section 110674 is added to the Health and Safety Code,
4 to read:

5 110674. Any food is misbranded if its labeling does not
6 conform with the requirements for pasteurized in-shell egg labeling
7 as set forth in Section 27644.5 of the Food and Agricultural Code,
8 and the regulations adopted pursuant thereto.

9 SEC. 8. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 the only costs that may be incurred by a local agency or school
12 district will be incurred because this act creates a new crime or
13 infraction, eliminates a crime or infraction, or changes the penalty
14 for a crime or infraction, within the meaning of Section 17556 of
15 the Government Code, or changes the definition of a crime within
16 the meaning of Section 6 of Article XIII B of the California
17 Constitution.

18 SEC. 9. This act is an urgency statute necessary for the
19 immediate preservation of the public peace, health, or safety within
20 the meaning of Article IV of the Constitution and shall go into
21 immediate effect. The facts constituting the necessity are:

22 In order to make changes to labeling requirements for pasteurized
23 in-shell eggs at the earliest possible time to protect public health
24 and safety, it is necessary that this act take effect immediately.